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STATE JOURNAL

FRIDAY, APRIL 12, 1878.

Alas, for Gen. Shields, a democrat, but on the wrong side.

"No Irish need apply," Gen. Shields, outranked by Gen. Fields.

"How 'd," is the President's remark. But no reference is made to the Michigan Senator.

The frequent robberies of the mails in Texas is made the subject of a proclamation of outlawry against all that class of offenders.

The amount of money for the support of public schools (including over will be about $3,000,000, according to the State Superintendent's office estimates.

The people of South West Missouri are not satisfied with the schedule of freight rates on the South West Pacific (St. L. & S. F.) Railroad. It appears to be regarded, in the classification of roads, as of a branch of the Missouri Pacific.

Instead of sending missionaries to China, China is sending missionaries to St. Louis. Wong Chin Foo is at work spreading the faith of Buddha among the heathen of the Future Great, and conversions are numerous. St Louis, a Chinese City!

St Louis is making preparations for their great fair, this fall, already. The great Vandalia Line, in advance of all others in the exercise of public spirit, proposes to carry all passengers to and from the fair at half regular rates.

The voters of Springfield, Missouri, are still in painful suspense in regard to the result of their recent election. The patriots that ran for office are in profound uncertainty whether their crowns are the laurels of victory, or the thorns of defeat.

Congress having passed the bill authorizing the erection of a government building at Kansas City, and appropriating $100,000 for the work, we are encouraged to believe that Col. Crittenden will be able to pass his bill for a building at this point.

A number of Missouri towns are proposing the experiment of a tax on liquor drinking, as a means of raising revenue, and the Moffet Bell-Punch for the registration of the number of drinks taken at each of the various bars, where liquor is dispensed, the tax to be a per centum of the price on every drink. Such an experiment would prove profitable to the revenues in Jefferson, we doubt not.

The efficacy of prayer for means of relief from the burden of a church debt is to be tested by the St Ann's Episcopal Church, a fashionable society, of Brooklyn Heights. It it succeeds well in this instance it will come into general use all over the country. Divine intervention to save people from the burden and harrassment of debt has not been of sufficiently frequent modern occurrence to invite a trial. As a means of getting rid of one's creditors, it is doubtless better than compromise or repudiation. Did Gen. Craig ever try the efficacy of prayer in behalf of a people broken down by debt and taxation? Gov. Phelps should recommend him to try it.

The Sedalia *Democrat* has at last found the courage to denounce as a sham and a swindle, the platform of its party as declared by the St. Louis National Convention in '76. It says the Democratic party of the west is upon the eve of an important crisis. The truth is the Democratic party always was "on the eve of a crisis," in the judgment of its leaders, at last, and, the consequence is, are constantly laboring to bring forth some new hobby, astride of which they hope to ride into power. But stand back and let the old insolate.

Ben Butler's nomination of General Shields for Doorkeeper of the lower house of Congress, in the place of Polk, deposed, on Friday last, had the one merit, if no other, of putting the sincerity of the professed devotion of the democracy of that body to the battle-scarred hero of the war with Mexico and for the Union to a severe test, a test, it is needless to say they were unequal to. In caucus a veteran "on the other side" was preferred. Gen. Chas. W. Field had precedence. Gen. Field is a native of Kentucky. He graduated at West Point in 1849, served in the Confederate army under Gen. Lee, and soon after the close of the war entered the army of the Khedive of Egypt, where he remained until 1877, when he returned to the United States. His political disabilities were removed about two months ago

THE PHILOSOPHY OF IT.

The election for school directors, on Tuesday, was so decisive in its results, that it appears to be the duty of a journalist to fish out the moral of it. There are many persons too old to attend the public school, who can only be educated by exhibiting to them the true inwardness of political and other happenings; and it is this true inwardness which it is the duty of the press, the real educator of the people, to expose.

In the first place, we will remark that the republicans were on a "still hunt," as it is popularly called; that is to say, were "tying low for black ducks." Their objective point was the public school—as it is with the view of making the school-board republican—but for the purpose of securing a board which should prove efficient in the performance of those duties which the people expect of it. Seeing that certain young politicians of the democratic persuasion were considerably distended with the belief that the burden of seeking out and electing school directors rested solely on themselves, it occurred to the real friends of education to let them carry the load until election day, and then quietly relieve them of it. Such a course was not only good for the public, but good for the young Attases themselves. Nothing is so well calculated to destroy the usefulness of a life, as becoming an indispensable character too soon. A person should not be handicapped with the welfare of an intelligent community at too tender an age.

The republicans brought out a ticket with a democrat in front and rear, and an independent in the middle—all of them good school-men. The first, Mr. Matthews, was entirely satisfactory to them, for the reason that he has the advantage over the great majority of his unfortunate party, in that he would rather run a good school than an inferior one, for the same money. But alas for the republican rear guard. A most capable republican for school director fortuitously brought up the rear of the Atlas ticket, and we blush to say it, the republicans inconsistently appropriated him. We can only justify it on the principle that the masses are becoming greatly independant of party lines. Besides, such things frequently happen in the best regulated political parties. The moral of the whole is, that one small head can frequently carry as much as one young man knows.

Perhaps we might point out another incidental moral, to wit: A gentleman of age and experience ought to find out during three years of service on the school board, that he is not available as a candidate for re-election, without subjecting himself to an actual trial. This by the way.

It would appear from the following, clipped from the St Louis *Journal*, sent to us encompassed by a bloody circle, that some one is attempting to go wrong on the matter of electing Senators by the coming legislature.

"The press and people of the state seem to be laboring under the very erroneous idea that when the *Journal* speaks at "the senatorial fight" it alludes to the election of one senator. The truth of the matter is, two senators will have to be elected by the legislature of the state next winter, although the public do not seem to be aware of the fact. One of these senators will be elected to fill the unexpired term of the late Lewis V. Bogy, the other to succeed the senator elected to fill Lewis V. Bogy's unexpired term. D. H. Armstrong was appointed senator (not elected) to occupy Bogy's place until the meeting of the state legislature, when and by which body the vacancy must be permanently filled, in accordance with the second clause of section 3, article 1, of the constitution of the United States, as follows:

"And if vacancies happen by resignation or otherwise during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies."

The Bogy term does not expire until March 3, 1879; the legislature meets in January, 1879, and must elect a senator to fill the two months' vacancy then existing, as well as a senator to supply the vacancy occurring on March 3, 1879. A few of the wily politicians are aware of this condition of affairs, and are shaping their courses accordingly; there probably has been in their minds' eyes a golden prospect of political trading. It is much better that the public should understand the game from the start. A similar predicament occurred in Missouri once before—in 1855, we believe."

Mildness conquers—and hence it is that the gentle yet positive influence of Dr. Bull's Baby Syrup overcomes so quickly the disorders of babyhood.

THE SUPREME COURT

On Carrying Concealed Weapons.

State of Missouri, defendant in error, vs. Frank Reando, plaintiff in error.

The defendant was indicted at the February term, 1875, of the Washington County Circuit Court, for carrying concealed weapons.

Defendant was tried, convicted and fined ten dollars, and judgment was entered accordingly.

We are asked to reverse the judgment, because of the insufficiency of the indictment and the unconstitutionality of the act or the legislature, on which the indictment was founded. The act in question, Sess. Acts, 1874, 43, is as follows:

Whoever shall in this State go into any church or place where people have assembled for religious worship or into any schoolroom or into any place where people may be assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room, during the sitting of court, or into any other public assemblage of persons met for other than militia drill or meetings called under the militia laws of this State, having concealed about his person any kind of fire arms, bowie knife, dirk, dagger, slung shot or other deadly weapon, shall be deemed guilty of a misdemeanor, &c. The indictment alleges that defendant did unlawfully enter and go into the house or residence of one Baptiste Boyer, where a number of people were assembled for social purposes, and had then and there unlawfully concealed on his person a pistol loaded with gunpowder and leaden balls, which said pistol was then and there a kind of fire arm, &c. The indictment pursues the language of the statute creating the offence except in the use of the word "arm-ed" before people, when we think cannot in any respect vitiate it. It may be treated as mere surplusage.

It however, insisted, but the act under which the indictment is framed, is in derogation of the right of the citizen to bear arms, and is in conflict with and violative of the provision in the constitution of 1865, which declares "that their (the people's) right to bear arms in defence of themselves and of the lawful authority of the State cannot be questioned."

The question now presented is one not free from difficulty and has given rise to some diversity of opinion. The right to keep and bear arms, thus secured to the people, has in this country always been regarded as one not to be slightly interfered with or infringed upon; and there can be no question but that any legislative enactment which deprived them of this right, would be obnoxious to the provision of the constitution which guarantees it, and would be absolutely null and void.

In 2, Story on the Con., 11897, the author is speaking of a kindred provision in the constitution of the United States, which declares that "the right of the people to keep and bear arms" shall not be infringed upon, observes that "the right of the citizen to keep and bear arms, has justly been considered as the palladium of the liberties of the republic, since, it offers a strong moral check against usurpation and arbitrary power of rulers, and will in general, if these are successful in the first instance, enable the people to resist and triumph in the end."

If the statute in question had the effect of denying this right, and absolutely prohibiting the citizen from keeping and bearing arms, we would not hesitate to pronounce it void, as being violative of a constitutional right secured to every man by the constitution of the State. It does not, however, has no such scope. It simply denies to the citizen the right to enter certain places therein designated, having concealed about his person any kind of fire arms, bowie knife, &c. The places designated, into which it is made unlawful for any person to enter secretly armed with concealed weapons, are churches or places where people are assembled for public worship, school rooms or other places where people have assembled for educational, literary or social purposes. Under this statute the right to enter, even such places, by any person bearing arms openly and exposed to public view is not prohibited; and if any citizen has so high a regard for the constitutional right guaranteed to him, to keep and bear arms, that he cannot forego the privilege of exercising it when entering a church where his neighbors have congregated for religious worship, or other places where they have met for educational, literary or social purposes, he can exercise it, but in doing so he must expose to view his pistol and deadly weapons, so that all may see and know that he is in the full enjoyment and exercise of his constitutional right. We do not say nor do we wish to be understood as saying that the legislature might not prohibit a person from bearing arms, even openly, in such places as are mentioned in the statute, without such prohibition to constitutional objections. No such enactment as this is before us and, we apprehend, never will be, for the moral sense of every well-regulated community would be so shocked by any one who would be so reckless of it, as to invade such places with fire arms and deadly weapons exposed to public view on his person that it would very rarely, if ever, occur.

The statute in question is nothing more than a police regulation, made in the interest of peace and good order, perfectly within the power of the legislature to make. Such or similar statutes have been upheld in all the States, so far as we have been able to ascertain, except in Kentucky. Nunn vs. the State, 1 Kelly, Ga., 248. State vs. Jumel, 13 La. Ann., 399. Owen vs. State, 31 Ala., 387. State vs. Burgess, 4 Ark., 18. State vs. Andrews, 3 Heiskel, 165. State vs. Mitchell, 3 Blackford, 229. Cochran vs. State, 24 Tex., 394.

The right to keep and bear arms necessarily implies the right to use them, and yet acts passed by the legislature regulating their use, or rather making it an offence to use them in certain ways and places, have never been questioned. An instance is to be found in such acts as declare that every person who shall shoot at a mark along or across a public highway shall be deemed guilty of a misdemeanor. This is certainly a police regulation, within the power of the legislature to prescribe, without infringing on the right of a man to keep, bear and use arms.

The constitution protects a person in his right of property, and instances are numerous where the legislature has assumed to regulate and control it. A person has a right to own a mischievous or dangerous animal; yet under our statute, if the owner thereof, knowing its propensities, unlawfully suffer it to go at large or shall keep it without ordinary care, and such animal, while so at large and not confined, kill any human being, such owner is liable to be punished as for manslaughter in the third degree. It is provided in the constitution of the United States that the freedom of speech and of the press shall not be abridged by any law of Congress, and yet this provision has never been so construed as to deny to Congress the power to make it an offence for libelous matter to be published, rendering the offender liable to prosecution and punishment for the libel so published. Such a construction, in the language of Story, "would be too wild to be indulged in by any man." Story on the Con., § 1880.

Judgment affirmed, in which the other judges concur, except Judge Sherwood, who dissents.

E. H. NORTON, J.

Attorney-General, for defendant in error.
Reynolds & Belle, for plaintiff in error.

A Courageous Syracuse Girl.

Residing on Van Buren street, in this city, is a widow named Mrs. Maria M. Beach, who alone occupies a comfortable house with her daughter. On Wednesday afternoon last Mrs. Beach was called to a side door by a woman, who first rapped, and after having the door open-d in response, made several inquiries of a natural character of the house-wife. Her presence their subsequently proved to be part of a plan to rob the house, for while Mrs. Beach was engaged in conversation, a colored rascal entered the front door and was ransacking the parlor, when her eldest daughter came down stairs and discovered him. She fearlessly encountered the intruder and promptly received for her pains a cruel blow in the eyes, which felled her to the floor and allowed the ruffian to escape unrecognized.

This escapade, happening in the daylight, proved to be but the prelude to a still more startling exploit in which Miss Beach, and, it is thought, the other actor of the afternoon before, played a more important part, the scene being enacted some time between 1 and 2 o'clock yesterday morning. Miss Beach, who sleeps with a sister younger than herself, was awakened in the middle of the night. Listening, she soon became aware that somebody was crawling on all fours toward the bed. She no sooner became convinced that such was the case, then she made a movement to get out of bed. As her feet reached the floor, she was caught by the ankles and thrown down by the intruder, a man who had doubtless come in search of plunder. The girl's agonizing screams awoke the other sister, who jumped up and escaped from the room, streaming at the top of her voice for help. She ran outdoors and cried out, but could arouse no one until too late to render aid. Meantime the older sister was struggling with her assailant in the room. Her efforts were in the direction of a pistol which she had under her pillow, but which fell on the floor out of her grasp before she had time to make use of it. Then a struggle for the possession, the courageous girl finally succeeding in clutching it. By a sudden plunge the would-be thief freed himself and made a precipitate exit, a bullet whizzing in his wake, and penetrating the door, which he pulled after him. He succeeded in making his escape before the neighbors had been aroused by the cries of the younger sister.—Syracuse Courier.

Dr. Bull's Cough Syrup is fast taking the place of all the old fashioned Cough remedies. It never fails to relieve the most distressing cold, and for throat diseases it is invaluable. Price 25 cents.

PRESBYTERIANS, NORTH AND SOUTH.—Some of us North and South, who have a record in the past to look after, are afraid the other side will go more than half way in the settlement. O pshaw! What is the use of our standing on our dignity? If I had my way I would reach across the line, and with one hand take them by the beard, and with the other I would take them by the girdle, and in that grip of brotherly Christian brotherhood I would have this whole trouble settled in three minutes. [Applause.] I tell you it is the disgrace of this century that the Presbyterian Church, North and South, are not in ecclesiastical correspondence to-day as the greatest shame I ever suffered in all my life was when in this house three years ago, the attempt at fraternization after very barely defeated.—Talmage, Friday Night Talk.

Capt. Ayers Letorgue, a Fleming county pioneer and a veteran of the Mexican war, denies the oft-repeated story that "Col. Johnson killed Tecumseh," and says emphatically that he did not kill him, but that one David Gooding did, and that he carried his "skelp" home with him, keeping and exhibiting it for several years as a trophy; and that it was finally lost by accident—the wind blew it out of the window, and before he could rescue it the dogs tore it to pieces.—Flemingsburg (Ky.) Democrat.

DR. SCHENK'S STANDARD REMEDIES.

The standard remedies for all diseases of the lungs are SCHENCK'S PULMONIC SYRUP, SCHENCK'S SEA WEED TONIC, and SCHENCK'S MANDRAKE PILLS, and if taken before the lungs are destroyed, a speedy cure is effected.

To these three medicines Dr. J. H. Schenck, of Philadelphia, owes his success in curing consumption, and other pulmonic diseases.

The Pulmonic Syrup ripens the morbid matter in the lungs; nature throws it off by an easy expectoration, for when the phlegm or matter is ripe a slight cough will throw it up, the patient tastes it, and it passes off unoffensive.

To make the pulmonic syrup do its work, Schenck's Mandrake Pills and Schenck's Sea Weed Tonic must be freely used to cleanse the stomach and liver. Schenck's Mandrake Pills act on the liver, removing all obstructions, and cleansing the stomach, so as to assist freely and the liver is soon relieved.

Schenck's Sea Weed Tonic is a gentle stimulant and alterative, the alkali of which it is composed, mixes with the food and prevents acidity. The Mandrake Pills cleanse the stomach to a healthy condition, so that the food and the Pulmonic Syrup will make good blood; then the lungs heal, and the patient will surely get well if care is taken to prevent fresh cold.

All who wish to consult Dr. Schenck, either personally or by letter, can do so at his principal office, corner of Sixth and Arch sts., Philadelphia, every Monday.

Schenck's medicines are sold by all druggists throughout the country. marsdayll

Uncle Tom's Cabin.

During the thirty five hundred times that Mrs G. C. Howard has played Topsy she has met with many laughable adventures. It was necessary on one occasion to leave on a midnight train, after the performance, for a distant city in which to play the following Monday night. Hurry as they did, the curtain fell very late, only giving her time to seize her traveling cloak and baggage and reach this outgoing train. With the Eva of this tour by the hand and her Anxious Howard, loaded with satchels, the party boarded the cars while in motion out of the depot.

Mrs. Howard, who had no time to wash up, attracted little attention, being accepted as the nurse of the lovely little Eva, but once ensconced in their "section," the original Topsy seized a toilet satchel and made for the ladies' dressing-room. A young colored girl, considering this a good opportunity to get acquainted with the other darkey nurse, followed her in and then she beheld her supposed countrywoman undergoing a transition—the inky fluid poured over Topsy's face each time leaving it a lighter shade.

Then the colored girl stopped not upon the order of leaving, but left at once, shouting through the car, "She's done come white; to-de Lord dat nigger is all washin' off! 'Pears like it was de soap. Run, boss, an' I never will forgin ye. Only get me some of dat ar soap!"

Thus the excited darkey whooped up and down the car till every passenger was on end with curiosity and anxiety to know if a collision had taken place, and many a hearty laugh was had with the poor little lady, who had "done come white" the night before.

During a long run of "Uncle Tom" in an Eastern city, the family of the gentle Eva went to housekeeping, and during the occupation of the elder to-ons a small boy —brother to Eva (the Eva on this occasion being Miss Lulu Prior)—strayed away and was lost in the strange city. Moving was suspended and hunting commenced; but the child was not found. Audiences must not be disappointed, however, and so the poor little sister was forced to array herself for the part, wash off the tears, and try and forget that her little brother was lost. But during the evening the runaway was found, and the parents, to relieve their little daughter's mind, took him directly to the theater.

The death scene of Eva was on; Topsy, with her apron on her head, crouched on the floor. Seeing, out of a corner, the recovered youth, Topsy said in a whisper: "Hold young Nebuchadnezzar up."

Eva lay on the couch—St. Clair bent over her with the question:

"What do you see, Eva, darling?" To which the dying child was only to reply: "Love—joy—peace," and fall back dead upon the pillow.

Just as Eva raised her head feebly, lifted her hand, and commenced on the sentence, she spied her rotound brother. With a cry of joy, she extended her little arms toward him, and broke out:

"Oh, me—see, he's found! he's there, and I never thought to see my little brother again;" then recollecting her part, she gave a great gulp of fright, but took speedomotably to the studied words, and cried out, "Love—joy—peace!" and let drop her head upon the pillow.

The scene was never more affecting—sobs were heard on all sides. The speech was so touchful that the audience felt sure it was a part of the play—that the dying Eva was supposed to have a vision of a lost brother, waiting on the myatic shore for the launching of the little life leaving this—and many of them, no doubt, purchased to this day of a clever point by the cutting down of Eva's death speech to the words, "Love!—joy!—peace!"

M. H. F.

—From the New York Graphic.

Prejudice often rules in the physical treatment of Babies. They are allowed to fret and scream with pain from ——, Flatulence, Bowel Disorders, etc., when some simple, reliable and safe remedy as Dr. Bull's Baby Syrup, would relieve almost immediate relief and perfect ease to the little sufferer.

INDUCEMENTS TO EMIGRANTS.—Texas is a nice state for people to emigrate to. It now has $40,000 in rewards offered for the apprehension of three hundred murderers, and advertises for the arrest of four hundred and fifty murderers whom it is not willing to pay anything for. It also has seven hundred and fifty indicted horse thieves at large, and, in addition to these murderers and horse thieves, adverises for two thousand nine hundred other fugitives from justice. A state like that requires quite a stream of immigration to keep it from becoming depopulated.—From the San Francisco Chronicle.

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